



1617

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/939,816 Confirmation No.: 2827
Applicant(s) : Elliott FARBER
Title : FLEXIBLE APPLICATOR FOR APPLYING OIL-IN-WATER EMULSION
WITH IMPROVED STABILITY
Filed : August 27, 2001
TC/A.U. : 1617
Examiner : S. J. SHARAREH
Docket No. : 69273.0011
Customer No. : 24633

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TECH CENTER 1600/2900

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

UNDER 37 C.F.R. § 1.97(b)

Sir:

Further to the Information Disclosure Statement and Form PTO-1449 filed June 5, 2002, and pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO-1449, which the Examiner may deem relevant to the patentability of the above-identified application. U.S. Patent Nos. 4,707,354A, 4,880,621A, 4,981,845A, 5,578,312A, and JP 58-140013A, listed in the Search Report submitted herewith, were provided with the information disclosure statement filed June 5, 2002. Accordingly, only one of the listed documents, U.S. Patent No. 5,476,664A, is submitted herewith.

The references contained in this information disclosure statement were cited in corresponding International application not more than three months prior to the

issuance of the attached International Search Report. Therefore, no fee under 37 C.F.R. §1.17(p) is required.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission the listed documents are material or constitute "prior art." If the Examiner applies the documents as "prior art" against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document. Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO-1449. The references contained in this information disclosure statement were cited in the attached International Search Report (US) dated June 3, 2003 in Applicant's corresponding International Application No. PCT/US02/26928.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any

Application N . 09/939,816

Supplemental Information Disclosure Statement dated September 3, 2003

overpayment to Deposit Account No. 50-1349. This paragraph is intended to be a

CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with

37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

HOGAN & HARTSON LLP

Dated: September 3, 2003

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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)				ATTY. DOCKET NO. 69273.0011		APPLICATION NO. 09/939,816	
				APPLICANT Elliott FARBER			
				FILING DATE August 27, 2001		GROUP 1617	

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SEP 03 2003
PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,707,354	11/17/1987	Garlen et al.			
	AB	4,880,621	11/14/1989	Grollier et al.			
	AC	4,981,845	1/1/1991	Pereira			
	AD	5,476,664	12/19/1995	Robinson et al.			
	AE	5,578,312	11/26/1996	Parrinello			

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION								
		DOCUMENT NUMBER	PUBLISHED DATE	COUNTRY	CLASS	SUBCLASS	ABSTRACT	
							Yes	No
	BA	58-140013	19 AUG 1983	JP				
	BB							
	BC							

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
	CA	International Search Report dated June 3, 2003, for Application No. PCT/US02/26928
	CB	
	CC	

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.